

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
ANTWIONE J. HOLLAND, )  
)  
Defendant. )

ANTWIONE J. HOLLAND, )  
 )  
 Defendant. )

Defendant Holland was examined at the Federal Detention Center in Englewood, Colorado. On July 10, 2013, a Forensic Evaluation was filed with the Court. The Forensic Evaluation was prepared by Jeremiah Dwyer, Ph.D., Forensic Psychologist. The evaluation concluded:

## OPINION ON THE ISSUE OF PRESENT COMPETENCY TO STAND TRIAL

Based on the information available, there is no objective evidence to indicate that Mr. Holland suffers from signs or symptoms of a major mental disorder, such as an affective disorder (e.g., Bipolar Disorder), significant psychotic disorder (e.g., Schizophrenia), or an organic disorder, that would impair his present ability to understand the nature and consequences of the court proceedings against him, or his ability to properly assist counsel in his defense.

(Doc #26 at 16)

On July 23, 2013, a hearing was held before the undersigned with respect to defendant's competency to stand trial. The parties stipulated to the Forensic Evaluation prepared by Dr. Dwyer. No other evidence was offered on the issue of defendant's competency to stand trial.

The only evidence before the Court on the issue of defendant's competency is the Forensic Evaluation (doc #26) filed on July 10, 2013. As set forth above, Dr. Dwyer found that "[b]ased on the information available, there is no objective evidence to indicate that Mr. Holland suffers from signs or symptoms of a major mental disorder ... that would impair his present ability to understand the nature and consequences of the court proceedings against him, or his ability to properly assist counsel in his defense." (Doc #26 at 16)

Based upon the information before the Court, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Antwione J. Holland is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense.

Counsel are reminded they have fourteen days from the date of this Report and Recommendation within which to file and serve objections. A failure to file and serve timely objections shall bar an attack on appeal of the factual findings in this Report and

Recommendation which are accepted or adopted by the district judge, except on grounds of plain error or manifest injustice.

/s/ Sarah W. Hays  
SARAH W. HAYS  
UNITED STATES MAGISTRATE JUDGE